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# Letter dated 7 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, a note verbale of the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia of 4 September 2000 submitted to the Ministry of Foreign Affairs of the Republic of Croatia relative to the implementation of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations

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## Annex to the letter dated 7 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia presents its compliments to the Ministry of Foreign Affairs of the Republic of Croatia and, confirming its openness and readiness for the continuation of the process of normalization and development of bilateral cooperation in the mutual interest, has the honour to point out the following.

The Federal Ministry of Foreign Affairs notes with regret that for more than a year the implementation of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, concluded on 23 August 1996 in Belgrade (see A/51/318-9-S/1996/706), has stagnated due to the passive attitude and lack of cooperation on the Croatian side.

The Croatian side unilaterally discontinued the negotiations to resolve the issue of missing persons and, from March 1999 until July 2000, despite several initiatives on the Yugoslav side, has not called a meeting of the Commission of the Federal Government of the Federal Republic of Yugoslavia for humanitarian issues and missing persons and the Commission of the Government of the Republic of Croatia for detained and missing persons.

In doing so, it has also violated the agreement between the two Ministers for Foreign Affairs of 18 August 1998 on the exchange of all detainees according to the principle "all for all".

The Croatian side continues to obstruct the agreement between the two Ministers, while the recent release from jail of five Serbs cannot satisfy the Yugoslav side, which is still expecting that all persons covered by this agreement will be released.

The Republic of Croatia, for no valid reason, did not accept an official proposal of the Yugoslav side to hold a meeting, at the end of June 2000 in Belgrade, of the Joint Yugoslav-Croatian Commission for the implementation of article 7 of the Agreement on Normalization of Relations (free and safe return of refugees and displaced persons; restitution of their property, i.e. ensuring fair compensation; full security of returning refugees and displaced persons; ensuring conditions for a normal life in safety; proclamation of general amnesty, except for acts that have the character of war crimes; encouragement and full implementation of the Erdut Agreement; guarantees for equal legal protection of the property of physical and legal persons of both sides).

The Croatian side is delaying the continuation of work of the Commissions of the two sides for the resolution of the question of Prevlaka as provided for under the Agreement on Normalization of Relations. The Commissions have not met for more than a year, despite the repeated promises of the Croatian side to propose a date for a meeting. On the other side, the official representatives of the Republic of Croatia hold talks on this issue with the representatives of the Government of Montenegro, which, under the constitution of the Federal Republic of Yugoslavia and the constitution of Montenegro, has no mandate or international capacity for such negotiations. Also, without the knowledge or appropriate bilateral agreement, border

crossings between the Republic of Croatia and the Federal Republic of Yugoslavia have illegally been opened on a part of the Yugoslav-Croatian border in the Republic of Montenegro, unilaterally violating the border regime between the two countries. The Republic of Croatia thereby unilaterally violates the obligations assumed under the Agreement on Normalization of Relations.

The Croatian side systematically avoids the talks on the establishment of the border line between the two countries on the Danube.

It has also failed to demonstrate readiness or good will to meet, in a timely fashion, the request of the Yugoslav side to enable it, as soon as possible, to repair and make operational the bridge near Bačka Palanka and Ilok, destroyed in the NATO aggression against the Federal Republic of Yugoslavia, which is of vital importance for the residents living in the border area between the two countries.

Contrary to the provisions of the Agreement on Normalization of Relations (article 5 of the Agreement), in which the Republic of Croatia recognized the international legal continuity of the Federal Republic of Yugoslavia, Croatia is now breaching its obligations under the above Agreement, which it unequivocally accepted, by joining the action to challenge the status of the Federal Republic of Yugoslavia within the United Nations.

Also, the Yugoslav side must note that the Republic of Croatia slowly and inadequately fulfils its obligations assumed under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the Erdut Agreement) and the letter of intention concerning the unimpeded and free return of expelled and displaced Serbs, protection of human rights and security of all Serbs living in the area, restitution of their property and compensation for seized, destroyed or damaged property. The Republic of Croatia is not consistently honouring the provisions of these documents, particularly the letter of intention, guaranteeing to the Serbs living in the region of Eastern Slavonia, Baranja and Western Sirmium education and cultural autonomy (para. 8 of the letter of intention).

The return of expelled Serbs to the Republic of Croatia is extremely slow, without guarantees to those wishing to return that they will be able to do so in the near future. The statements of the highest ranking representatives of the new Croatian authorities announcing substantial changes in regard to the resolution of this sensitive humanitarian issue, raising the expectations of a great number of refugees that they will be able to return to their homes, have not been translated in practice or have been indefinitely postponed by red tape.

The instances of rude physical assault, harassment and attack on the returning Serbs continue, with fatal outcomes (killings in Berak, Zadar, Šibenik, the village of Borik near Mikleuš, Lička Kaldrma), as well as other serious incidents (Lovas, Tovarnik, Sotin, Tompojevci, Stari Jankovci, the desecration of tombstones of murdered Serbs in Veljun near Slunj), to which the Croatian authorities have failed to respond in a timely and appropriate fashion.

Moreover, the Republic of Croatia has made its territory available for foreign television and radio transmitters, thus jamming the normal functioning of the Yugoslav radio and television stations and leading an anti-Yugoslav propaganda campaign, which is a form of interference in internal affairs, unacceptable from the point of view of the principles of international relations and the violation of the Agreement on Normalization of Relations.

At the same time, the Republic of Croatia has unilaterally joined separate negotiations with the Republic of Montenegro, a federal unit of the Federal Republic of Yugoslavia, in flagrant violation of the Agreement on Normalization of Relations, under which the Republic of Croatia assumed an obligation to regulate its relations and resolve the problems in dialogue with the Federal Republic of Yugoslavia.

The highest-ranking Croatian representatives, the President of the Republic, Stjepan Mesić, the Prime Minister, Ivica Račan, and the Minister for Foreign Affairs, Tonino Picula, have, in the past few months, given several interviews and statements in the Republic of Croatia and abroad concerning political and social developments in the Federal Republic of Yugoslavia, interfering in a rude and unacceptable manner in internal affairs and issues of the Federal Republic of Yugoslavia, which should be condemned in strongest terms and rejected as conduct contrary to the fundamental norms of international relations, and the letter and spirit of the Agreement on Normalization of Relations.

In that connection, the Federal Ministry of Foreign Affairs wishes to draw attention to the fact that the contacts, communications and agreements with the federal authorities of the Federal Republic of Yugoslavia represent the sole and irreplaceable way of initiating and resolving all issues which the Republic of Croatia has an interest in raising and resolving in mutual relations. All other agreements, treaties or acts concerning the relations between the Federal Republic of Yugoslavia and the Republic of Croatia lack legal grounds, are contrary to the Agreement on Normalization of Relations and domestic and international law and shall not be recognized, while the harmful consequences shall be borne by the Croatian side.

The Federal Ministry of Foreign Affairs expresses its concern over the continued violations, delays and avoidance to carry out further already scheduled and agreed activities and steps in the implementation of the Agreement on Normalization of Relations.

The Federal Ministry of Foreign Affairs calls upon the Republic of Croatia to give up its past practice and resume respect for the process of normalization of relations with the Federal Republic of Yugoslavia on the basis of the Agreement on Normalization of Relations, which is in the mutual interest of both parties, as well as in the interest of peace, stability and development in the region.